

REMARKS

The Examiner rejected claims 1, 2 and 4-36 under 35 U. S. C. § 102. The Examiner relied upon any one of: Holmes U. S. Patent 5,371,687 (hereinafter Holmes I); Holmes U. S. Patent 5,594,906 (hereinafter Holmes II); Kelly WO 94/13198 (hereinafter Kelly); Krishnaswamy WO 00/07013 (hereinafter Krishnaswamy); Parker U. S. Patent 5,841,023 (hereinafter Parker); MacIndoe U. S. Patent 5,332,549 (hereinafter MacIndoe); Lappe U. S. Patent 5,929,422 (hereinafter Lappe); or, Buechler U. S. Patent 6,830,731 (hereinafter Buechler) to support these rejections.

The Examiner rejected claim 3 under 35 U. S. C. § 102. The Examiner relies upon any one of MacIndoe, Lappe or Buechler to support this rejection.

With respect to Krishnaswamy, Krishnaswamy was not published until February 10, 2000, almost two years after Applicants' earliest claimed priority date of March 1, 1998. Therefore, Krishnaswamy is not prior art under 35 U. S. C. § 102. As to the remaining references, claims 1-25 have been cancelled without prejudice. The rejections of claims 1-25 are thus moot.

With respect to claims 26-36, none of Holmes I, Holmes II, Kelly, Parker, MacIndoe, Lappe, or Buechler discloses or suggests claim 26's specifically recited

“accessory box for receiving the cradle, the accessory box including a housing and a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing.”

In accordance with longstanding precedent construing 35 U. S. C. § 102(b), anticipation of a claim requires a showing that a single prior art reference discloses each and every element and limitation of the claim. See, e.g., *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20, 57 U.S.P.Q. 2d 1057 (Fed. Cir. 2000); *Electro Medical Systems, S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017 (Fed. Cir. 1994); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991); *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457, 221 USPQ 481, 485 (Fed. Cir. 1984); *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) (“The corollary of that rule is that absence from the reference of any claimed element negates anticipation.”). The Federal Circuit Court of Appeals strictly construes the requirement for a showing of anticipation under 35 U.S.C. § 102:

“[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (citations omitted). Thus, a reference does not anticipate a claim if the claim contains any limitation that is neither literally nor inherently present in the reference. As noted above, none of the references relied upon by the Examiner discloses an accessory box for receiving the cradle, the accessory box including a housing and a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing. Therefore, the 35 U. S. C. § 102 rejection of claim 26, and claims 27-36, which depend directly or indirectly therefrom, is overcome.

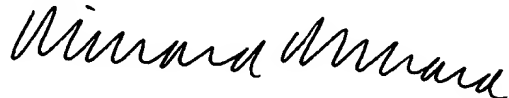
New claims 37-49 are submitted herewith. None of the cited references discloses, for example, claim 37's specifically recited cradle including at least one rechargeable battery for powering circuitry in the cradle, coupling of the third and fourth ports permitting charging of the battery from the power supply. None of the cited references discloses, for example, claim 38's specifically recited bar code reader into the cradle. None of the cited references discloses, for example, claim 39's specifically recited operator identification devices, the system being capable of reading bar code from the operator identification devices to identify data which is entered into the system with a particular operator. Claim 40 depends from claim 39 and is entitled to favorable consideration, culminating in allowance, on at least this basis. None of the cited references discloses, for example, claim 41's specifically recited base including a fifth port, engagement of the accessory box with the base coupling the fifth port and the third port through the accessory box to permit downloading to the base of data collected from the instrument by the cradle. Claims 42-44 depend directly or indirectly from claim 40 and are entitled to favorable consideration, culminating in allowance, on at least this basis. None of the cited references discloses, for example, claim 45's specifically recited carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing. Claims 46-47 depend directly or indirectly from claim 45 and are entitled to favorable consideration, culminating in allowance, on at least this basis. None of the cited references discloses, for example, claim 48's specifically recited accessory box including a

drawer accessible from two opposite sides of the accessory box, the drawer including a stop for reducing the likelihood of accidental disengagement of the drawer from the accessory box when the accessory box is withdrawn from either of said two opposite sides. Finally, none of the cited references discloses, for example, claim 49's specifically recited accessory box including a drawer accessible from two opposite sides of the accessory box, the drawer including latches to reduce the likelihood of inadvertent opening of the drawer. For at least these reasons, claims 37-49 are also entitled to favorable consideration, culminating in allowance.

Accordingly, all of claims 26-49, as presented herein, are submitted to be in condition for further favorable consideration, culminating in allowance. Such action is respectfully requested.

Should any additional fees be required to constitute this a timely response to the December 10, 2004 official action, the Commissioner is hereby authorized to charge any such fees, or credit any overpayment, to Deposit Account No. 10-0435, with reference to Applicants' undersigned counsel's file 5727-63370. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

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